GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri R. Sambaiah, Assistant General Manager, Indian Bank, Chennai, against the proceedings No.R.Dis.No. 1083/03/C4, dated:14.01.2012 of the District Collector, Guntur, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition allowed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 96 Dated: 29-06-2018
Read the following:

1. Proceedings of the District Collector, Guntur,R.Dis.No.1083/03/C4, dated:14.01.2012.
2. Appeal Petition filed by Sri R.Sambaiah, Assistant General Manager, Indian Bank, Corporate Office/O& M Division 254-260, Avvai Shanmugam Salai, Royapettah, Chennai before M(TW), No.343/(TW)/2012, dt.02.02.2012.
3. Govt.Memo.No.1769/CV2/2012, dt. 08-02-2012.
4. From the District Collector, Guntur, Lr.Rc.No.560/2012/C4/, dated 30.03.2012.
5. Govt. Memo.No.1769/CV2/2012,dated 20.10.2012.
6. Written arguments filed by the appellant before the Appellate Authority on 30.01.2012.
7. Govt. Memo.No.1769/CV2/2012,dated 21.11.2012.
8. Letter together with its enclosures received from Sri R. Sambaiah, dated 31.01.2012.
9. Govt. Memo.No.1769/CV2/2012,dated 08.01.2013.
10. From the District Collector, Guntur, Lr.Rc.No.560/2012/C4/, dated 10.06.2013.
11. Govt. Memo.No.1769/CV2/2012,dated 18.02.2014, 25.05.2015 & 24.11.2017.

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ORDER:

In the reference 1st read above, the District Collector, Guntur has issued orders cancelling ST-Kummara caste certificate obtained from the then Tahsildar, Guntur in the year 1977 by Sri R. Sambaiah.

2. In the reference 2nd read above, Sri R. Sambaiah, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Guntur. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Guntur and called for the parawise remarks and connected records from the District Collector, Guntur in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Guntur has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri R. Sambaiah.

4. The said Appeal Petition has been posted for hearing on 30.10.2012 & 03.12.2012 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 6th read above, the appellant has filed written arguments in support of his ST-Kummara caste certificate before the Appellate Authority on 30.10.2012. In the reference 8th read above, the appellant has filed some more documents in support of his ST-Kummara of Anantagiri Agency (Visakhapatnam) before the Government on 01.02.2012.

[P.T.O]

5. In the reference 9th read above, the District Collector, Guntur was informed that as per the material papers made available with the Government, it is observed that the appellant obtained the Kummara of Ananthagiri Agency certificate from the Tahsildar, Guntur, wherein, their community was recognized as ST, and as per the contention of the appellant, his ancestors are originally inhabitants of Ananthagiri Agency and belongs to Kummara Caste and migrated to Guntur District and the District Collector, Guntur was requested to make thorough enquiry in the matter in consultation with the revenue authorities of the area concerned of Visakhapatnam district and also obtain the statements of the community people in order to settle the case.

6. In the reference 10th read above, the District Collector, Guntur has furnished the report in consultation with the revenue authorities of the area concerned of Visakhapatnam District.

7. The said Appeal Petition was again posted for hearing on 24.02.2014, 20.06.2015 & finally on 16.12.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 11th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant attended for the hearing scheduled on 16.12.2017 and argued his case.

8. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Guntur and proceedings of the District Collector, Guntur dated:14.01.2012 the Appellate Authority is observed that :

I. The appellant in his grounds has stated that the appellant belongs to ST-Kummara of Anantagiri Agency of Visakhapatnam District and that area declared as scheduled area under V Schedule of Constitution of India. His ancestors-grandfather and father were the native of Kummaravalasa village of Tokur Panchayat of Anantagiri Agency in Visakhapatnam District and his grandfather has initially migrated and settled for some time in Kolakaluru village of Tenali taluka in Guntur District and finally settled at Selapadu village (presently in Chebrolu Mandal) of Guntur District. The appellant was born in the year 1953 and as such had his studies upto graduation in Guntur town of Guntur District. Accordingly, he obtained ST- Kummara of Anantagiri Agency (Visakha) caste certificate from the then Tahsildar, Guntur in the year 1977.

II. The appellant has also stated that the migration certificate dated 08.12.1993 issued by the MRO of Anantagiri Mandal certifying that the forefathers of the appellant have migrated from Kummaravalasa Hamlet of Tokur village of Anantagiri Agency to Guntur District with family in view of the demand for their earthenware pots. Further he has also stated that Kummara Tribe is existed in the list of aboriginal tribes of Andhra Pradesh and same was obtained by the appellant from the Director, TCR&TI vide Rc.No.1837/TRI/TECC/2012, dated 22.09.2012 under RTI Act-2005.

III. The District Level Scrutiny Committee has observed that the report of the Tahsildar, Ananthagiri and recorded evidence place before the Revenue Divisional Officer, Paderu, he has stated that Sri Vanthala Kotayya belongs to Kummari caste is native resident of Kummarivalasa (V) in Tokuru Panchayat and subsequently migrated from Selapadu (V) in Chebrolu (M) in Guntur District 60 to 70 years back to eke out his livelihood through his community profession i.e., to prepare the pots and other mud materials and he expired at Selapadu (V) in Chebrolu (M) leaving behind his only son Vanthala Sivaiah. At present most of the people belong to Kummara in the village. Moreover, the said “Kummara” caste now recognized as Backward Community in Agency area of Paderu Division. Further, the Revenue Divisional Officer, Paderu has opined that, the Applicant surname was changed from his father’s period and whereas the

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individual is residing at Guntur District from his childhood and recommended for taking an appropriate decision by the Revenue authorities of the concerned District in this matter. Further, the Revenue Divisional Officer, Paderu reported that, the Migration Certificate issued by the then MRO, Ananthagiri on 8.12.2003 is confirmed as authenticated one by the Tahsildar, Ananthagiri. Further, the Tahsildar, Arakuvalley has reported that it is not possible to confirm whether the certificate has been issued from his office or not, since it bears no Running Current Number or Special Register number. Therefore, the community claim of Sri R.Sambaiah as ST Kummara is far away from truth.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority has observed that during the course of arguments the appellant submitted has stated that he belongs to Kummara Community of Anantagiri Agency of Visakhapatnam District and since May 1977 he was employee of public sector bank and at the time, when he obtained caste certificate in the year 1977 his caste was belonging to ST in the Anantagiri and Visakhapatnam Agency areas and the same is valid up to 1993 and subsequently the same was included to OBC group. On verification of the arguments and the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the documents pertaining to the appellant with regard to his caste certificate, the same was obtained in the year 1977 and as per the endorsement of the Tahsildar, Arakuvalley that the caste of the appellant was considered as ST in Araku Valley and Anantagiri Agency areas up to the year 1993 and caste certificates were issued accordingly. On this score alone it can be concluded that at the time of obtaining caste certificate that the appellant admittedly belongs to ST. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority failed to observe the finding of the concerned above and after careful examination of the appeal petition and the circumstances stated supra s the appeal is hereby allowed on humanity ground by upholding the appellant is schedule tribe claim and the said claim of the appellant purely for the individual alone.

9. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby allow the Appeal Petition filed Sri R. Sambaiah, by upholding his Scheduled Tribe (Kummara of Anantagiri Agency Visakhapatnam) community claim and the Proceedings of the District Collector, Guntur issued in the reference 1st read above are set- aside.

10. The District Collector, Guntur is directed to take necessary consequential action in the matter.

11. The records (containing Rc.1083/03/C4, pages CF: 297 & NF: 42) received from the District Collector, Guntur through the reference 4th read above, are returned herewith in original to the District Collector, Guntur and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Guntur.
(with original records) (BY RPAD)

Sri R.Sambaiah, Assistant General Manager,
D.No.11-852, 1st Floor, 2nd lane, Munuswamy Nagar,
Old Andhra Bank Road, Nagaralu, Guntur.

[Contd..]

The Assistant General Manager, Indian Bank,
Corporate Office/HRM Dept.,
254-260, Avvai Shanmugam Salai, Royapettah, Chennai-600014

Copy to:

The Director, TCR& TI, AP, Amaravathi.
The P.S. to M(SWE&TWE)
The P.S. to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER